

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHRISTIAN BRETT MARTINEZ,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-21-344-F
)	
BOARD OF COMMISSION, et al.,)	
)	
Defendants.)	

ORDER


United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation on May 25, 2021, recommending the dismissal of plaintiff's 42 U.S.C. § 1983 action without prejudice to refile for failure to comply with the court's order entered on April 29, 2021.¹ Magistrate Judge Erwin advised plaintiff of his right to object to the Report and Recommendation by June 11, 2021 and further advised that failure to file a timely objection waives the right to appellate review of the factual and legal issues addressed.

To date, plaintiff has not filed an objection to the Report and Recommendation or moved for an extension of time to file one. As plaintiff has not objected to the Report and Recommendation within the time prescribed by Magistrate Judge Erwin, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

¹ The April 29th order was returned as undeliverable. *See*, doc. no. 7. However, pursuant to Rule 5.4(a) of the court's Local Civil Rules the order was deemed delivered as it was sent to plaintiff's last known address. The Report and Recommendation has not been returned.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin on May 25, 2021 (doc. no. 8) is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. Plaintiff, Christian Brett Martinez's 42 U.S.C. § 1983 action is **DISMISSED WITHOUT PREJUDICE**, pursuant to Rule 41(b), Fed. R. Civ. P., for failure to comply with the court's April 29, 2021 order.

IT IS SO ORDERED this 24th day of June, 2021.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE